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United States District Court
Western District of Wisconsin
Theresa M. Owens

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

05 C 0256 C

v.

INTERMEC TECHNOLOGIES CORP.,

JURY TRIAL DEMANDED

Defendant.

**DEFENDANT INTERMEC TECHNOLOGIES CORPORATION'S
MOTION FOR A PROTECTIVE ORDER**

Intermec Technologies Corp. ("Intermec"), by its counsel Freeborn & Peters LLP and Whyte Hirschboeck Dudek S.C., moves the Court for the entry of a protective order as described below. The grounds for the relief sought are set forth in detail in the accompanying Brief supporting this motion. Intermec seeks relief as follows:

1. Restricting discovery by plaintiff Symbol Technologies, Inc. ("Symbol") to information concerning products excluding the 45 products ("Immune Products") acquired by Intermec under the terms of the OEM Agreement entered into by Symbol and Intermec, which Immune Products are enumerated in the accompanying Declaration of Leland W. Hutchinson, Exhibit B.

2. Deferring Intermec's continued responses to Symbol's first sets of discovery requests for a reasonable time after Symbol has responded to Intermec's Interrogatory Nos. 1 and 2, which seek Symbol's analysis of the patents-in-suit and its determination that their claim limitations are satisfied by certain of Intermec's devices,

pursuant to *Antonious v. Spalding & Evenflo Companies, Inc.*, 275 F.3d 1066 (Fed. Cir. 2002).

DATED this 13th day of July, 2005.

Respectfully submitted:

By: _____
Attorneys for Defendant
Intermec Technologies Corp.
WHYTE HIRSCHBOECK DUDEK S.C.

Eugenia G. Carter
State Bar No. 01011447
Gabriel S. Gross
State Bar No. 1037934
One East Main Street, Suite 300
Madison, WI 53703-3300
(608) 255-4440 (telephone)
(608) 258-7138 (facsimile)

FREEBORN & PETERS LLP
Leland W. Hutchinson, Jr.
Carson P. Veach
Jennifer L. Fitzgerald
Jeffrey M. Hansen
311 S. Wacker Drive, Suite 3000
Chicago, IL 60606-6677
(312) 360-6503 (telephone)
(312) 360-6572(facsimile)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

v.

Case No. 05-C-0256-C

INTERMEC TECHNOLOGIES CORP.,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of July, 2005, true and correct copies of Defendant Intermec Technologies Corporation's Motion for a Protective Order; Defendant Intermec Technologies Corporation's Brief in Support of Its Motion for a Protective Order and in Opposition to Symbol Technologies, Inc.'s Motion to Compel Production of Documents and Interrogatory Answers; and, Declaration of Leland W. Hutchinson were served on:

VIA HAND-DELIVERY

Jeffrey S. Ward
Shane A. Bruner
Michael Best & Friedrich LLP
One South Pinckney Street, Suite 700
Madison, WI 53703

VIA E-MAIL and U.S. MAIL

Lawrence Brocchini
Hogan & Hartson L.L.P.
875 Third Avenue
New York, NY 10022
(lbrocchini@hhlaw.com)

Susan Landphier Smolak